

Appl. No. 09/996,657  
Atty. Docket No. 8375D  
Response dated March 19, 2004  
Reply to Office Action February 6, 2004  
Customer No. 27752

### REMARKS

Upon entry of the amendments here, Claims 17 - 19 and 23-26 will be pending in the present application. No additional claim fee is believed to be due.

Claims 20-22 have been herein canceled.

Claims 17 is herein currently amended. Applicant respectfully requests reconsideration of the current application.

An amendment has been made to the abstract. A replacement abstract is attached on a separate sheet.

### Rejection Under 35 USC § 112, 1<sup>st</sup> paragraph

The Office Action states that Claims 17-26 are rejected under 35 USC § 112. Applicant respectfully traverses the Examiners rejection based on the following amendments made herein:

1. Claim 1 has been amended according to the Examiner's instructions in a telephone conference on March 2, 2004, wherein the portion of the claim reading ...."or an optical isomer, diastomer, enantiomer, or pharmaceutically-acceptable salt, or amide, ester, or imide susceptible to being cleaved *in vivo* by a mammalian subject to yield the compound" has been deleted from the claim. This amendment should not be considered prejudicial and Applicants reserve the right to pursue the subject matter deleted by amendment in a continuing application. Accordingly, Applicants assert that claim 1 is in condition for allowance.

### Rejection Under 35 USC § 103(a)

The Office Action states that claims 17-26 are rejected under 35 USC § 103. Applicant respectfully traverses the rejection based on the amendments made herein pursuant to Applicants' telephone conference with the Examiner on March 2, 2004.

1. Applicants have amended claim 17 as follows: D1 is -C(O)- and D2 is -NH-, thereby traversing the 35 USC § 103 rejection based on the DE3524955 reference. As Examiner indicated in the March 2, 2004 telephone conference, such an amendment allows the claims to be in condition for allowance.

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### CONCLUSION

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 USC § 112 and under 35 USC § 103. Early and favorable action in the case is respectfully requested.

Applicants have made an earnest effort to place their application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, Applicants respectfully request reconsideration of this application, entry of the amendments presented herein, and allowance of the Claims.

Respectfully submitted,

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